IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 2629 OF 2001 (S/S)

(Old No. 14690/1992)

Purna Nand Bhatt son of Shri Khima Nand Bhatt, resident of Astal Patti Dhanari, P.O. Dunda, district Uttar Kashi.

…….. Petitioner.

Versus

1. Additional District Magistrate (Development), Uttar Kashi.
2. Additional District Development Officer (Harizan Kalyan), district Uttar Kashi.
3. Block Development Officedr, Block Mori, district Uttar Kashi).
4. Block Development Officer, Block Naugaon, district Uttar Kashi.

……. Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

HON'BLE RAJESH TANDON. J.

16.02.2006.

Heard learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to pay the petitioner's salary for the period 22.05.1985 to 31.05.1985, 1.11.1985 to 23.2.1986, 1.12.1986 to 18.1.1987, 1.1.1991 to 31.1.1991 and 11.5.1991 and annual increment for the year 1989, 1990 and 1991.

Briefly stated, the petitioner was appointed on the post of Gram Sewak vide order dated 24.11.1980 bythe Additional District Magistrate (Development), Uttar Kashi. He joined his duties on 25.11.1980 in Vikash Khand, Bhatwari, district Uttar Kashi. Thereafter he was sent on deputation on the post of Gram Vikash Adhikari and he was posted in Vikash Khand, Purola, district Uttar Kashi. However, on 24.1.1985 the Additional District Magistrate (Development) passed an order bywhich the petitioner was called back in his previous department and he was posted in Vikash Khand, Naugaon, district Uttar Kashi. Thereafter, after returning from medical leave he reported his duty in Vikash Khand, Purola, district Uttar Kashi. He has claimed his salary since 22.5.1985 to 31.5.1985 for which the salary was not paid to the petitioner. However, on 8.2.1986 the Additional District Magistrate passed an order terminating the service of the petitioner. He preferred an appeal before the Commissioner, Garhwal Mandal against the termination order and the writ petition was also preferred. The appeal of the petitioner was allowed on 6.11.1986. The petitioner was reinstated in his service. Although the petitioner is discharging his duties continuously but he has not been paid his salary.

Petitioner has submitted that he is continuing in service but the Respondents have not cleared the arrears of his salary till today.

The respondents are, therefore, directed to clear the payment of salary to the petitioner from the date of

filing the certified copy of the order within a period six weeks. In case the payment is not made to the petitioner, the petitioner shall be entitled interest @ 6% per annum on the unpaid amount.

In view of aforesaid, writ petition is disposed of. No order as to costs.

Dated: 16.02.2006 (Rajesh Tandon.J)

Negi.